

### REMARKS

In the Office Action, dated August 23, 2006, the Examiner states that Claims 1-9 are pending, Claims 1-9 are rejected, the specification is objected to, and the drawings are objected to. By the present Amendment, Applicant amends the specification, and the drawings.

In the Office Action, the drawings Figure 1 and 2 are objected to for not being identified as prior art. The Applicant submits replacement drawings designated as prior art to overcome the objection. No new matter has been added.

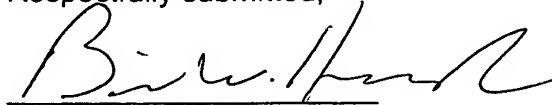
The title is objected to for not being descriptive. The title of the invention has been amended to "Optical Disk Apparatus Capable of Measuring and Recording Signal Condition, and Method thereof Position Setting Method." If the Examiner still objects to this revised title, the Examiner is invited to contact the undersigned attorney to discuss an alternative title.

In the Office Action, Claims 1-2, 4-5, 7 and 8 are rejected under 35 U.S.C. § 102 as being anticipated by Miyata (U.S. 6,052,347). Claims 3, 6 and 9 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Miyata. The Applicant respectfully disagrees with and transveres these rejections.

The invention disclosed in Miyata is different than the one claimed in the present invention, and the claimed invention is neither anticipated by nor obvious therefrom. In Miyata, as shown in Fig. 8, optimum power calibration (OPC) areas 11 and 15 are set at radius R1 and R2, respectively, and a disk moves with constant linear velocity. However, the OPC areas 11 and 15 in Miyata are not write power compensation (WPC) related areas, i.e. condition measuring positions, as claimed in the present invention. Additionally, Miyata fails to disclose the feature that a recording speed for the OPC area 15 is one level lower than a level for the OPC area 11 as is claimed in the present invention. Therefore, the present invention is not considered anticipated or obvious with respect to Miyata.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



December 1, 2006

Date

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